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July 7, 2005

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Federal Communications Commission  
Office of Secretary

**Via Hand Delivery**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

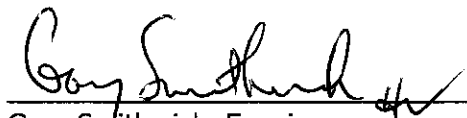
Re: Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(Americus and Oglethorpe, Georgia)  
MB Docket No. 04-328  
RM-11046 and RM-11235

Dear Ms. Dortch:

Transmitted herewith are an original and four copies of a Joint Petition for Reconsideration of the Commission's Report and Order in MB Docket No. 04-328, DA 05-1734 (June 24, 2005), filed on behalf of Southern Broadcasting Companies, Inc. ("Southern") and Radio Georgia, Inc. ("RGI"), in the above-referenced proceeding.

Should there be any questions regarding this matter, please contact the undersigned counsel for Southern and RGI.

Sincerely,



Gary Smithwick, Esquire  
Counsel for Radio Georgia, Inc.



Howard M. Weiss  
Counsel for Southern Broadcasting  
Companies, Inc.

Enclosure

cc: All Parties on Certificate of Service

04-328

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

**In the Matter of:**

**Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations  
(Americus and Oglethorpe, Georgia)**

**MB Docket No. 04-328  
RM-11046  
RM-11235**

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Federal Communications Commission  
Office of Secretary

**TO: OFFICE OF THE SECRETARY  
ATTN: ASSISTANT CHIEF, AUDIO DIVISION, MEDIA BUREAU**

**JOINT PETITION FOR CONSIDERATION**

Southern Broadcasting Companies ("Southern") and Radio Georgia, Inc. ("RGI"), (collectively "Petitioners") by and through their attorneys and pursuant to Section 1.429 of the Commission's rules, hereby respectfully petition for reconsideration of the Report and Order in MB Docket No. 04-328, DA 05-1734, released June 24, 2005 (the "R&O"). In support hereof, Petitioners state as follows:

1. The R&O relies upon a request by Southern voluntarily to dismiss its counterproposal to allot Channel 295A to Oglethorpe, Georgia to justify the allotment of the channel to Americus, Georgia as its third commercial FM service and sixth local aural transmission service. However, the R&O completely ignores the second page of the Request for Voluntary Dismissal of Counterproposal, wherein Southern and RGI, respectively, state that Channel 295A should be allotted to Plains, Georgia, as its first local service. The Petitioners indicate that they have filed a timely counterproposal to accomplish that goal in MB Docket No. 05-106.

2. It is not clear why the R&O did not address the clear superiority of the Plains allotment. But whatever the reason, there is no justifiable basis for the ruling. The Commission was required to address the Petitioners' argument in favor of the first local service at Plains, and

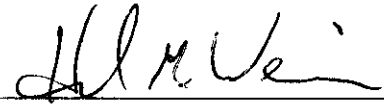
made no effort to do so. As Petitioners' Joint Counterproposal urges, they timely filed in MB Docket No. 05-106, the Plains allotment, an integral component of the Counterproposal in Docket No. 05-106, adoption of which would result in no fewer than three first local services. Further, on May 23, 2005, the Americus proponent, SSR Communications, Inc., filed "Supporting Reply Comments," indicating that it agreed that the allotment should be at Plains, rather than Americus.<sup>1</sup>

3. Under those circumstances, the R&O should be set aside. A first new local service at Plains demands no less, under black letter allocations law. Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1988) (third priority is first local service).

WHEREFORE, the premises considered, the Commission's Report and Order should be rescinded pending action on the counterproposal in Docket No. 05-106.

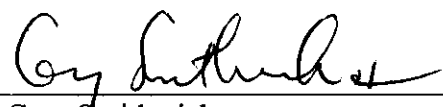
Respectfully submitted,  
SOUTHERN BROADCASTING  
COMPANIES, INC.

By: \_\_\_\_\_

  
Howard M. Weiss  
Lee Petro  
Fletcher, Heald & Hildreth PLC  
1300 N. 17<sup>th</sup> St., 11<sup>th</sup> Floor  
Arlington, VA 22209  
(703) 812-0400

RADIO GEORGIA, INC.

By: \_\_\_\_\_

  
Gary Smithwick  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Avenue, N.W., Suite 301  
Washington, DC 20016  
(202) 363-4050

Date: July 7, 2005

---

<sup>1</sup> Attached hereto is a declaration under penalty of perjury by SSR stating that it received no consideration for the filing of the pleading.

**SUPPORTING REPLY COMMENTS  
OF  
SSR COMMUNICATIONS, INC.**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

MAY 24 2005

In the Matter of:

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations  
(Milner, Ellaville, Oglethorpe  
and Plains, Georgia)

)  
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MB Docket No. 05-106  
RM-11196

Federal Communications Commission  
Office of Secretary

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To: **Office Of The Secretary**  
Attn: **Assistant Chief, Audio Division, Media Bureau**

**SUPPORTING REPLY COMMENTS**

These Supporting Reply Comments are filed in support of the proposal of Radio Georgia, Inc. ("Radio Georgia"), the licensee of Station WTGA-FM, Channel 266A, Thomaston, Georgia, and Southern Broadcasting Companies, Inc. ("Southern"), who, on May 9, 2005, submitted in this docket a Joint Counterproposal to the Petition for Rulemaking filed by Linda A. Davidson on July 3, 2003.<sup>1</sup>

As discussed in the NPRM, Davidson proposes to (1) allot Channel 290A at Milner, Georgia, (2) substitute Channel 232A for the vacant Channel 290A allotment at Ellaville, Georgia; and (3) allot Channel 290A at Plains, Georgia. If the Commission were to adopt Davidson's proposal, there would be two new first-service allotments --- at Milner, Georgia, and Plains, Georgia.

<sup>1</sup> *Milner, Ellaville, and Plains, Georgia*, Notice of Proposed Rulemaking, 20 FCC Rcd 6073 (2005) (the "NPRM"). The NPRM established May 24, 2005, as the deadline for submitting reply comments. Therefore, this Reply is timely filed.

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Radio Georgia and Southern propose a different set of allotments that will better serve the public interest (the "Joint Counterproposal"):

1. Delete the allotment of Channel 266A at Thomaston, Georgia, and allot Channel 266A at Milner, and modify the license of Station WTGA-FM to specify the new community of license of Milner, Georgia, as its first local service;
2. Allot Channel 295A at Plains, Georgia, as its first local service;
3. Allot Channel 290A at Oglethorpe, Georgia, as its first local service; and
4. Allot Channel 232A at Ellaville, Georgia, and delete the current allotment of Channel 290A.

On May 9, 2005, Southern withdrew its separate counterproposal in MB Docket No. 04-328 requesting that Channel 295A be allotted to Oglethorpe, Georgia, rather than 295A at Americus, Georgia, as proposed by SSR. *See Consumer & Governmental Affairs Bureau Reference Information Center - Counterproposals Filed*, Public Notice, Rpt. No. 2704 (April 22, 2005). On October 18, 2004, SSR filed Comments in MB Docket No. 04-328 supporting the proposal to allot Channel 295A to Americus, Georgia. However, after having reviewed the Joint Counterproposal in MB Docket No. 05-106, SSR supports the allotment of Channel 295A to Plains, Georgia, rather than Americus, Georgia. If Channel 295A is allotted to Plains, Georgia, SSR would file an application for a construction permit to operate a new FM commercial broadcast station in Plains, Georgia, on Channel 295A, during the first proximal filing window in which it is eligible to participate.

The grant of the Joint Counterproposal in MB Docket 05-106 will introduce new first local services to three communities --- Milner, Oglethorpe, and Plains --- and maintain the first local service allotment at Ellaville, Georgia, whereas Davidson's proposal would introduce new first local service to only two communities. Therefore, in light of these superior public interest benefits, SSR urges the Commission to adopt the Joint Counterproposal.

I certify that the statements made herein are true and correct to the best of my information and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew K. Wesolowski', written over the typed name.

Matthew K. Wesolowski  
General Manager  
(601)201-2789

Date: May 24, 2005

SSR Communications, Inc.  
5270 West Jones Bridge Road  
Norcross, GA 30092-1628  
(770) 447-0026

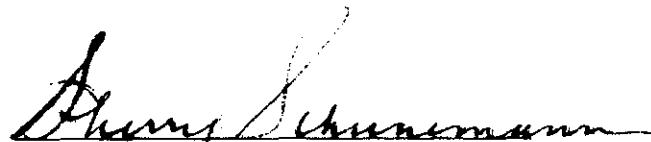
## CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, do hereby certify that a copy of the foregoing  
"Supporting Reply Comments", was mailed by First Class U.S. Mail, postage prepaid, or  
hand delivered as marked with an asterisk, this 24<sup>th</sup> day of May, 2005, to the following:

\*Ms. Rolanda F. Smith  
FCC Audio Division  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Ms. Linda A. Davidson  
2134 Oak Street, Unit C  
Santa Monica, California 90405

\*Gary S. Smithwick, Esquire  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Avenue, N.W., #301  
Washington, D.C. 20016  
Counsel for Radio Georgia, Inc.



Sherry L. Schunemann

\*Via Hand Delivery

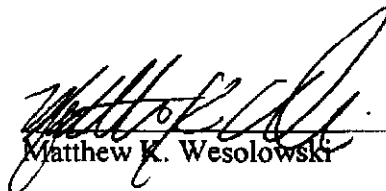


**DECLARATION OF MATTHEW K. WESOLOWSKI**

**DECLARATION UNDER PENALTY OF PERJURY  
OF  
MATTHEW K. WESOLOWSKI**

On behalf of SSR Communications, Inc., I hereby declare under penalty of perjury that SSR did not receive, nor will it receive, any money or other consideration for the submission of its "Supporting Reply Comments," filed on May 24, 2005 in MB Docket No. 05-106.


Date: July 7, 2005

  
Matthew K. Wesolowski

**CERTIFICATE OF SERVICE**

I, Evelyn Thompson, a secretary at Fletcher, Heald & Hildreth PLC, hereby certify that a true and correct copy of the foregoing "Joint Petition for Reconsideration" was sent on this 7<sup>th</sup> day of July, 2005, via First-Class United States mail, postage pre-paid, or as otherwise specified, to the following:

Linda A. Davidson  
2134 Oak Street, Unit C  
Santa Monica, CA 90405

  
Evelyn Thompson